80 Highland Avenue
Rochester, NY 14620
April 10, 1993

Penny Perkins
Lambda Legal Defense and Education Fund, Inc.
666 Broadway, 12th Floor
New York, New York 10012

Re: Gay Alliance of Genesee Valley v. City Assessor of Rochester, New York

Dear Ms. Perkins:

As we discussed yesterday, this letter is a request for legal assistance from Lambda Legal Defense and Education Fund.

Last fall, after talking to someone in your office, I wrote the enclosed letter to Lambda seeking its assistance in a gay rights lawsuit that I thought you might be interested in. I did not receive a response to my letter.

Since then, my co-counsel has become more active in the litigation, and we discovered that our sources' information about Justice Siracuse was, to put it bluntly, wrong. The proof is in the remarkable, eloquent and in my view, landmark decision he issued this week finding that Rochester's denial of property tax exempt status to the Gay Alliance's Center unconstitutionally discriminated against the Center because of the contents of its message and the character of its membership. I have enclosed a copy of the decision as well as the local press for your information.

For what must only be crass political reasons, the City has announced that it will appeal. Although the City will undoubtedly attempt to procrastinate, we will do everything in our control to move the case along as fast as possible. That is why I am asking you now if Lambda would be interested in and willing to file an amicus brief (or better yet, organize the writing of an amicus on behalf of many organizations!) in this action.

From our vantage point, it would be great support for the GAGV, and it would generate terrific publicity, and it would give Susan and me less to worry about in terms of making all the right arguments. (You should know that even though the Judge intends to award us fees under 42 USC §1988, Susan and I, as legal services attorneys, are barred from accepting fees for the outside practice of law under the Legal Services Act, and will not be able to accept any fees.)

From Lambda's point of view, your work could be relatively easy (our briefs are good, and the judge's decision is even better!), you can use the appeal for openly political purposes much easier than we can, and, as I mentioned above, enormous publicity will be generated (the case was headline news all day yesterday.)

For all these reasons, we would greatly appreciate any efforts Lambda can take to get involved in this case as amicus. If you would like to discuss this matter further, feel free to call me at work at (716) 454-6500, or at home at (716) 256-0508.

I look forward to hearing from you soon, and to working with you further on this case.

Very truly yours,

Ellen M. Yacknin

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